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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LE, MARK T

ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/611,659
Filing Date: June 30, 2003
Appellant(s): AL-KAABI ET AL.

MAILED

SEP 15 2006

GROUP 3600

Michael Minns
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed July 24, 2006 appealing from the Office action mailed November 23, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

5,343,812	Ishida	9-1994
5,207,161	Pileggi	9-1993
3,399,631	Weber	9-1968

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 3, 5, 7, 8, 11, 30-35, 38 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishida (US 5,343,812) in view of Weber (US 3,399,631).

Ishida, Figure 2, shows a multi-unit articulated railroad car similar to that recited in the instant claims, including a number of car units that consists of an uneven number of units, articulated connectors that comprises male and female portions 14, 12, respectively; wherein, the articulated connectors are arranged symmetrically relative to the transverse centerline of the railroad car. It is noted that Plager does not shows side bearing arms as recited in the instant claims.

Weber discloses articulated railway car having a plurality of units connected together by articulated connectors and included side bearing arms 73,74, 76,77, as shown in Figures 2 and 3.

In view of Weber, it would have been obvious to one skilled in the art to provide side bearing arms to the interconnected car units of Ishida, in a manner similar to that taught by Weber, so as to control side sways of the car units.

Regarding the instant claimed distances between the side bearing arms, as recited in instant claims 33-35, it is noted that a wider the distance between the pair of side bearing arms 73,76 or 74,77 of Weber provides greater support against side swaying, but longer bearing arms are required to accommodate car travel about track curves; on the other hand, the opposites to the above are true for the shorter distance between the pair of side bearing arms. Accordingly, it would have been obvious to one skilled in the art to choose a distance, including the instant claimed distance, for use between the side bearing arms of Ishida, as modified in view of Weber, so as to achieve a desired balance between the swaying factor and the feasible side bearing arm length.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 1 above, and further in view of Pileggi (US 5,207,161).

Regarding the car unit having a well for accommodating intermodal cargos, consider the car units of Pileggi. In view of Pileggi, it would have been obvious to one skilled in the art to configure the car units of Ishida as well car units, similar to that taught by Pileggi, so as to allow accommodation of intermodal cargos.

(10) Response to Argument

Regarding Appellant's arguments that neither of the applied references - Ishida and Weber, discloses a symmetrical arrangement of side bearing arms, as claimed. It is true that neither Ishida nor Weber, alone, teaches a symmetrical arrangement of side bearing arms; however, the combination of Ishida and Weber, as applied, is considered to include such symmetrical arrangement of side bearing arms. Note that Weber,

Figures 2 and 3, shows symmetrically arranged side bearing arms located on both sides of car coupling 11 to control side sways or rolls; and that the use of such symmetrically arranged side bearing arms in between each pair of the adjacent railcars of Ishida, would result in a similar expected benefit, i.e. better side sway or roll controls. Note that since the side bearing arms between the adjacent railcars, as shown in Figure 2-3 of Weber, are symmetry along a central transverse plane between the adjacent cars, such side bearing arms when are incorporated into each pairs of adjacent cars of Ishida would inherently result a symmetry arrangement, as recited in the instant claims.

Regarding Appellant's argument that the vehicle of Ishida is not a freight car, as claimed, it is noted that Ishida is not very specific as to whether his railcars being freight cars or passenger cars or both; however, the railcars of Ishida is certainly readable as freight cars because they are inherently capable being used to carry goods or freights.

Regarding Appellant's argument that Ishida's teaching being non-enabling conceptual sketches that leave a great deal to the imagination; therefore, the conceptual sketches of Ishida are an imagination that cannot be qualified as an objective evidence for use as a basis for a proper ground of rejection, note that Ishida is an enabling U.S. Patent that is presumed to be valid; and on the other hand, the teaching of Ishida is considered as being clear at least to the extend of the subject matters of Ishida that are relied upon to meet the corresponding features of the instant claimed invention.

Regarding Appellant's argument that Weber does not show a symmetrical arrangement of side bearing arms, and that the arrangement shown in Figure 13 of

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Weber is not symmetrical, note that Figure 13 of Weber is not relied upon in the above grounds of rejection, but rather Figure 2 and 3 of Weber are used for the teaching of a symmetrical arrangement of bearing arms 73, 74 and 76, 77. The arrangement of the bearing arms, as shown in Figures 2 and 3 of Weber, is symmetrical about a central transverse plane between adjacent railcars. Note further that upon provide a similar symmetrical arrangement of side bearing arms between each pair of the adjacent cars of Ishida, as suggested in the above grounds of rejection, all such side bearing arms would inherently be in the position of symmetry with respect to a central transverse plane of Ishida's train of cars.

Regarding Appellant's argument with respect to Pileggi, note that Pileggi is relied upon in the above ground of rejection to merely show that a train of cars may include articulated well cars; therefore, an argument that Pileggi does not show other features of the instant claimed invention, i.e. the symmetry arrangement, is not deemed to be relevant.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

(11) Related Proceeding(s) Appendix


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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Mark Le



9/13/06

Conferees:

Samuel Morano



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